

## **Exhibit 12**

**Defendants' Supplemental Responses to Hector  
Andrade's First Set of Discovery Requests To All  
Defendants**

**(Excerpts)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ROBERTO CLAROS, et al.,

Plaintiffs,

v.

SWEET HOME IMPROVEMENTS, INC.,  
et al.,

Defendants

Case No. 1:16-cv-344-AJT-MSN

**DEFENDANTS' SUPPLEMENTAL RESPOND TO  
HECTOR ANTONIO ANDRADE'S FIRST SET OF DISCOVERY REQUESTS**

**Interrogatories**

1. Please state your current job title and list all of your job duties. State your past job titles and past job duties since January 1, 2010. If your job title or duties changed during this time, describe the change, state when it occurred, and state why it occurred.

**Answer:**

Mr. Myung Koo worked as a subcontractor, working mostly on windows for Centroval Window for approximately five years beginning in 2005. His job duties included framing and installing windows on project site, but gained other skills necessary for a general contractor such as framing and general plumbing work. He quit his job when he formed a general contractor company called Sweet Home Improvements, Inc., a Virginia corporation ("Company").

On February 2, 2011, Mr. Koo and Mrs. Mi Ae Koo started the Company. He is currently one of the owner/director and is also the president of the Company. He owns 100% of the Company. As director of the Company, Mr. Koo is responsible for approving all Company management and operation. As president of the Company, Mr. Koo is responsible for

them. Normal work hours are 8:00 AM to 4:30 PM, with 30 minutes lunch break. Mr. Koo would pay the subcontractor if job is completed within the time frame noted and to Mr. Koo's satisfaction.

Mr. Koo estimates that based on what was requested by Hector Andrade his wage/payment comes out to be approximately \$22/hour. Some payments were made by cash and others by Company checks. Mr. Koo does not know the method of payments for each project. All request for payments were paid, except for May 4 to May 10<sup>th</sup> for 51 hours and May 11 to May 17 for 53 hours.

Apart from direct cash payments, the Company kept canceled checks (carbon copies) for each individuals as they were paid, which tells exactly when they worked and how much was paid. However, Defendants closed this bank account in December 2015 and have lost/cannot locate the carbon copies. The bank is BB&T, located in Burke, VA, with account number 151040470. Defendants have requested the bank to provide them with account summaries for 2015 and will supplement this response when the document is available.

All work hours and compensation determination are made by Mr. Koo. Compensation for subcontractors are determined based on their level of experience and nature of work, as well as the contract amount and the amount of time to complete the project. Based on years of experience, Mr. Koo will determine the rate.

Most of contacts between subcontractors/helpers were via text but most of these were erased when Mr. and/or Mrs. Koo would exchange phones because they were broken, upgraded, or replaced. Mr. and Mrs. Koo estimates that approximately three phones were replaced since starting out the Company.

9. Please identify each person who determined the wages that Hector Andrade should receive in each paycheck, and each person who signed or who had the authority to sign his paychecks during his tenure with Sweet Home. As part of your answer, if any of the foregoing changed at any time during Hector Andrade's tenure, please answer separately as to each time period, describing when the change took place; who authorized the change; and for what reasons the change was authorized.

Mr. Koo is responsible for determining wages/payments and signs company checks.

10. Please identify all persons who supervised or inspected Hector Andrade's work at any time during his tenure at Sweet Home, or who had the authority to do so. Describe the nature of the nature of their supervisory or inspection authority. As part of your answer, if any of the foregoing changed at any time during Hector Andrade's tenure, please answer

separately as to each time period, describing when the change took place; who authorized the change; and for what reasons the change was authorized.

Answer:

Mr. Koo, as the general contractor, is ultimately responsible for all work, delegating work, and supervising his subcontractors and helpers. If a work project is located in Virginia, Mr. Koo would check in during lunchtime or when a contract material is delivered. Mr. Koo is responsible for supervision of Hector Andrade's work.

11. Please identify any individuals supervised by Hector Andrade, and describe the nature of his supervisory responsibilities. As part of your answer, if any of the foregoing changed at any time during Hector Andrade's tenure, please answer separately as to each time period, describing when the change took place; who authorized the change; and for what reasons the change was authorized.

Answer:

Mr. Koo is responsible for all assignment and supervision of work on the project. The Company provided helpers to Hector Andrade on Ferguson project. However, he fought with these helpers and there were ongoing problems with him and helpers which Mr. Koo had to manage and resolve.

12. Please describe all acts of misconduct or inadequate performance that Hector Andrade committed at any time during his tenure, and describe any disciplinary or corrective actions that were taken against him as a result. As part of your answer, please identify who was responsible for deciding and/or carrying out the disciplinary or corrective actions, and describe why that person made the decision that they did.

Answer:

In April 2015, Hector Andrade was in a fight with other helpers. He would always fight with other helpers and it was very difficult working with him. Some of the helpers even quit and left because of his behavior.

While working on Thomas Ferguson project, he negligently installed pipes in a Jacuzzi in the master bathroom, which later exploded. The water damages were significant, including damages to electrical work, roof, and ceiling areas. Hector Andrade said he

Agreed Sub Price:           \$3000 for approximately 1 week work

Hector Andrade was the subcontractor that Mr. Koo negotiated the price for the project. Mr. Koo would take Hector Andrade to the job site noted above and would quote the maximum subcontractor price Mr. Koo had budgeted for that particular work and the time frame within which to finish it. It did not matter to Mr. Koo whether the subcontractor and his helper decides to work all day and night and finish the job in one day or take all the time given to them. Normal work hours are 8:00 AM to 4:30 PM, with 30 minutes lunch break. Mr. Koo would pay the subcontractor if job is completed within the time frame noted and to Mr. Koo's satisfaction.

Mr. Koo estimates that based on what was requested by Hector Andrade his wage/payment comes out to be approximately \$22/hour. Some payments were made by cash and others by Company checks. Mr. Koo does not know the method of payments for each project.

All work hours and compensation determination are made by Mr. Koo. Compensation for subcontractors are determined based on their level of experience and nature of work, as well as the contract amount and the amount of time to complete the project. Based on years of experience, Mr. Koo will determine the rate.

Most of contacts between subcontractors/helpers were via text but most of these were erased when Mr. and/or Mrs. Koo would exchange phones because they were broken, upgraded, or replaced. Mr. and Mrs. Koo estimates that approximately three phones were replaced since starting out the Company.

16. Please describe in detail any means or processes by which Hector Andrade was supposed to get supplies he needed for the work he was performing for you that day, describe how those supplies would be paid for, and identify all persons who had the authority to authorize those payments.

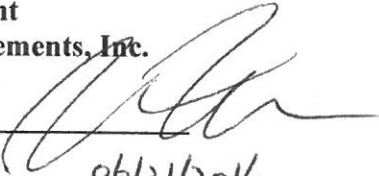
Answer:

Hector Andrade is only responsible for labor. All materials are provided either by owner or contractor per terms of the contract agreement. Sometimes a subcontractor/worker may need extra materials, in which case the subcontractor/worker would contact Mr. Koo and he would authorize payment using his company VISA card.

17. For each location where Hector Andrade performed any work for you, please identify all persons who were present at that location at the same time as Hector Andrade, whether or not they were working alongside him, and state the dates that both they and Hector Andrade were present at that location. Include all persons who were not working for


I declare, under penalty of perjury of the laws of the United States, that my answers to Plaintiff Hector Andrade's First Set of Interrogatories are true and correct. 28 U.S.C. § 1746(2).

Name: Myung Koo  
Myung Koo, President  
Sweet Home Improvements, Inc.

Signature: 

Executed on (date): 06/21/2016

Name: Myung Koo  
Myung Koo, individually

Signature: 

Executed on (date): 06/21/2016

Name: Miae Koo  
Miae Koo, individually

Signature: 

Executed on (date): 06/21/2016